

# **EXHIBIT 2**

**CAUSE NO. 2020-80281**

|                                     |          |                                |
|-------------------------------------|----------|--------------------------------|
| <b>ERIC LAMAR GOSS</b>              | <b>§</b> | <b>IN THE DISTRICT COURT</b>   |
|                                     | <b>§</b> |                                |
| <b>VS</b>                           | <b>§</b> | <b>OF HARRIS COUNTY, TEXAS</b> |
|                                     | <b>§</b> |                                |
| <b>BUREAU VERITAS NORTH AMERICA</b> | <b>§</b> | <b>125TH JUDICIAL DISTRICT</b> |

**PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION**

NOW COMES Plaintiff Eric Lamar Goss, complaining of Defendant Bureau Veritas North America, and for cause of action would show the Court the following:

**Discovery Control Plan**

1. As provided in Rule 190, Texas Rules of Civil Procedure, Plaintiff intends to conduct discovery under Level 2.

**Plaintiff**

2. This Petition is filed by Eric Lamar Goss, Plaintiff, an individual whose address is 4323 Barberry Dr. Richmond, Texas 77406. The last three digits of Plaintiff's driver's license number are 668. The last three digits of Plaintiff's Social Security number are 349.

**Defendant**

3. Defendant, Bureau Veritas North America, is a corporation organized under the laws of the state of Texas. Bureau Veritas North America is authorized to do business in Texas and may be served with process by serving Anthony Bodamer, its registered agent, by personal delivery at the registered office located at 10202 E. Freeway Ste. 222 Houston, Texas 77029.

4. This Court has jurisdiction over Bureau Veritas North America because said Defendant is a corporation doing business in Texas.

**Venue**

5. Venue is proper in this county in that the events giving rise to this cause of action occurred within Harris County.

**Jurisdiction**

6. The damages sought in this suit are within the jurisdictional limits of the Court. As required by Rule 47, Texas Rules of Civil Procedure, Plaintiff states that Plaintiff seeks monetary relief over \$1,000,000.

### **Facts**

7. Mr. Goss was employed Defendant from Spring 2019 until 2019. His position was that of a supply chain manager. While employed Mr. Goss never received an office. He was forced to work at a desk that was placed in the lobby of the facility. When he inquired about an office he was told that offices were designated for Corporate Suite employees. However, employees hired subsequent to Mr. Goss at lesser positions were provided offices. Additionally, and most importantly, between November and December 2019 on at least 3 occasions, Mr. Goss notified his superiors, A.M. and H. F. of the potential liabilities the company faced if they continued to do business with AirGas. These potential liabilities resulted from blatant Federal Trade Commission violations. AirGas was supposed to divest from Respondent upon merger with Air Liquide in accordance with Federal Trade Commission regulations. Mr. Goss's concerns were confirmed and acknowledged by counsel for Respondent. Mr. Goss also notified Respondents that Airgas had threatened to remove all leased equipment from Respondent and to discontinue service. In response, Respondent's procurement manager, C.A. indicated that she would try and reach out to authorities at Airgas to rectify the misunderstanding. Unfortunately however, Mr. Goss's revelations caused a meeting among Respondents where the decision was made to terminate Mr. Goss. Mr. Goss' termination was a direct result of his revelations made regarding the Federal Trade Commission violations. Mr. Goss had no prior performance issues or reprimands due to his performance. Ironically, however he was advised that he was terminated due to poor performance.

### **Cause of Action**

8. Retaliation- Mr. Goss engaged in a protected activity by exposing and opposing Respondent's illegal business transactions with Airgas. He was subsequently terminated for attempting to eradicate and correct what he prudently believed was illegal activity. The punishment of termination was a direct result of Mr. Goss's reporting the illegal activity as evidenced by the timing of revelations and subsequent termination.

9. Discrimination based on Race- Mr. Goss is a member of a protected class. Mr. Goss was discriminated against because of his race. Texas Labor Code Chapter 21 protects individuals against employment discrimination on the basis of race.

#### **Attorney's Fees and Costs**

10. Plaintiff requests judgment for reasonable attorney's fees and costs under Sections 37.009 and 38.001, Texas Civil Practice and Remedies Code.

#### **Jury Demand**

11. Plaintiff hereby requests a jury trial.

#### **Initial Disclosures**

12. As provided in Rule 194, Texas Rules of Civil Procedure, required Initial Disclosures of all items listed in Rule 194.2 must be made at or within 30 days after the filing of the first answer unless a different time is set by the parties' agreement or court order.

#### **Prayer**

Plaintiff prays that citation be issued commanding Defendant to appear and answer herein and that Plaintiff be awarded judgment against Defendant for actual damages, pre-judgment interest, post-judgment interest, costs of Court and for all other relief to which Plaintiff is entitled both in equity and at law.

Respectfully submitted,

Darian L. Conston

/s/ Darian L. Conston

Darian L. Conston

Attorney for Plaintiff

Texas Bar No. 24075644

Conston and Associates PLLC.

2646 S. Loop W. #305

Houston, TX 77054

Phone: 832-831-2047

Fax: 713-969-4997

Email: attorneyconston@constonlaw.com



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this August 9, 2021

Certified Document Number: 95271554 Total Pages: 3

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**